

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

No. 3:15-cr-00496-L

USPLABS, LLC (1)
JACOBO GEISSLER (2)
JONATHAN DOYLE (3)
MATTHEW HEBERT (4)

**DEFENDANTS' AGREED MOTION TO APPROVE AND ENTER PROPOSED ORDER
RELATING TO DEFENDANTS' JOINT EMERGENCY MOTION TO MODIFY
THE COURT'S ORDERS SETTING CONDITIONS OF RELEASE**

Defendants USPlabs, LLC ("USPlabs"), Jonathan Doyle, Jacob Geissler, and Matthew Hebert ("the Owner Defendants"), through undersigned counsel, submit this agreed proposed order relating to Defendants' Joint Emergency Motion to Modify the Court's Orders Setting Conditions of Release (the "Emergency Motion"). (Document 65)

On December 1, 2015, the Owner Defendants submitted the Emergency Motion seeking modification of their bond terms to allow them to speak with all employees, vendors, and customers of USPlabs about the ongoing business of the company. (Document 65)

Much of the relief sought in the Emergency Motion is agreed to by the Government. (Document 78). Further, the government did *not* object to allowing the Owner Defendants to speak with the vendors and customers of USPlabs about ongoing business. The government also agreed that the Owner Defendants could speak about ongoing business with all the employees of

USPlabs except for four people: (1) Lonnie Clark; (2) Adam Schwinghammer; (3) Chad Crosby; and (4) George Wilson.¹ (Document 78)

The Defendants now ask this Court to grant at this time the agreed portion of the Defendants' Emergency Motion. It is critical that the Owner Defendants be allowed to communicate with at least the company employees that the government agrees to as soon as possible. For example, the company's health insurance program was recently canceled – an issue that obviously affects every employee, particularly during the holiday season, and requires the Owner Defendants to actively manage the situation. However, as the Owner Defendants are currently not permitted to speak to anyone at the company, they are unable to implement their decisions about how to handle this matter. This frustrates the purpose of the Court's ruling allowing the Owner Defendants to speak to each other about ongoing business.

The timing of the Court's ruling on the pending motion is also critical. It has now been a month since the Owner Defendants have been able to speak with any of their employees. Further delay in handling the issues that have arisen since the date of the Owner Defendants' arrest will seriously harm the company and its employees.

Accordingly, the Owner Defendants submit the attached agreed proposed order that would grant the agreed portion of the Emergency Motion pending the Court's determination of the contested portion and ask the Court to issue said order.

¹ The government also agreed that the Owner Defendants could speak about matters related to this case in the presence of counsel.

Respectfully submitted:

By: /s/: MICHAEL P. GIBSON
MICHAEL P. GIBSON
Texas Bar No. 07871500
BURLESON, PATE & GIBSON, LLP
900 Jackson Street, Suite 330
Dallas, TX 75202
Tel: (214) 871-4900
Fax: (214) 871-7543
Email: mgibson@bp-g.com

**ATTORNEY FOR DEFENDANT
JACOBO GEISSLER**

/s/: CHRISTOPHER NIEWOEHRER
CHRISTOPHER NIEWOEHRER (ADMITTED *PRO HAC VICE*)
Illinois Bar No. 6243575
Reid Weingarten (admitted *pro hac vice*)
Patrick F. Linehan (admitted *pro hac vice*)
David Fragale (admitted *pro hac vice*)
STEPTOE & JOHNSON, LLP
115 South LaSalle St. Ste. 3100
Chicago, IL 60603
Phone: (312) 577-1300
Fax: (312) 577-1370
Email: cniewoehner@steptoe.com

**ATTORNEYS FOR DEFENDANT
USPLABS, INC.**

/s/: MICHAEL J. UHL
MICHAEL J. UHL
Texas Bar No. 20371050
FITZPATRICK HAGOOD SMITH & UHL,
LLP
2515 McKinney Avenue, Suite 1400
Dallas, TX 75201-7600
Tel: (214) 504-1133
Fax: (214) 237-0901
Email: muhl@fhsulaw.com

**ATTORNEY FOR DEFENDANT
USPLABS, INC.**

/S/: RICHARD B. ROPER

RICHARD B. ROPER
Texas Bar No. 01723370
THOMPSON & KNIGHT, LLP
1722 Routh Street, Suite 1500
Dallas, TX 75201
Tel: (214) 969-1700
Fax: (214) 969-1751
Email: richard.roper@tklaw.com

**ATTORNEY FOR DEFENDANT
JONATHAN DOYLE**

/S/: S. CASS WEILAND

S. CASS WEILAND
Texas Bar No. 21081300
SQUIRE PATTON BOGGS (US), LLP
2000 McKinney Ave
Suite 1700
Dallas, TX 75201
Tel: (214) 758-1504
Fax: (214) 758-1550
Email: cass.weiland@squirepb.com

**ATTORNEY FOR DEFENDANT
MATTHEW HEBERT**

CERTIFICATE OF CONFERENCE

On December 1, 2015, Richard Roper spoke with government counsel who indicated that the government opposes the instant motion except as indicated above, and will file a response to the motion.

/S/: MICHAEL P. GIBSON

MICHAEL P. GIBSON

CERTIFICATE OF SERVICE

On December 9, 2015, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/S/: MICHAEL P. GIBSON

MICHAEL P. GIBSON